

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (797-1101)
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: ZB(TXT) 6-1-03/Ordinance to amend the Land Development Code relating to Billboards

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The ordinance before Town Council this evening is based on the need to provide for three (3) additional billboards in the Town of Davie. This request to amendment to the Town of Davie Land Development Code will increase the number of additional billboards allowed in the Town from ten (10) to thirteen (13). A portion of the revenues generated from this increase will be used to provide additional funding of the operational costs of nonprofit organizations serving the interests of the citizens of the Town.

One (1) billboard will be located on the property located at 15701 SW 41 Street and two (2) billboards will be located on the east side of Florida's Turnpike north of Orange Drive. Each of these facilities will provide no less than \$8,000 per year to assist in the long-term funding of nonprofit corporations serving the residents of the Town. Approval of this amendment will allow the Town to process permits for the proposed billboards in accordance with Section 12-238(J)(9) of the Land Development Code.

PREVIOUS ACTIONS: None

CONCURRENCES: At the August 13, 2003 Local Planning Agency meeting two proposals were made to increase the number of new billboards in the Town. Proposal 1, to increase the number of new billboards from ten to thirteen, was denied by a 4-0 vote. Proposal 2, made at the request of Jolmy Enterprises, Inc., to increase the number of new billboards from ten to sixteen, was denied by a 4-0 vote.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject text change complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinances (Proposal 1, 13 New Billboards and Proposal 2, 16 New Billboards)

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to expand the number of billboards that may be erected within the Town; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on August 13, 2003; and

WHEREAS, the Town Council of the Town of Davie held a public hearing on September 3, 2003; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-238(J)(9) of the Town Code is amended to read as follows:

(J) The following Signs, except as more specifically provided herein, shall be Prohibited in All Districts:

(9) Off-site signs which advertise businesses, establishments, activities, goods, products, facilities or services or other message not made, produced, sold or present on the premises or site where the sign is installed and maintained except as more specifically provided herein. ~~Additionally, it shall be unlawful to erect, construct or reconstruct a billboard sign in any area of the Town.~~ A building permit, to be renewed annually, must be obtained for each existing billboard sign location and any future billboard sign location. ~~except that up to A maximum of ten (10) thirteen (13) new billboards~~ may be erected within the Town of Davie, provided that the Town Council has determined that at least a minimum of five (5) percent of the gross revenues from the advertising on said billboards, which under no circumstances shall be less than eight thousand dollars (\$8,000.00) per year per sign, are directed to nonprofit corporations serving the residents of the Town of Davie, which funds will assist in funding such nonprofit corporation projects serving the interest of the citizens of the Town of Davie, subject to the Town Council certifying that any potential site upon which these billboards may be erected and the proposed billboards meet the following requirements:

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE

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(9) Off-site signs which advertise businesses, establishments, activities, goods, products, facilities or services or other message not made, produced, sold or present on the premises or site where the sign is installed and maintained except as more specifically provided herein. ~~Additionally, it shall be unlawful to erect, construct or reconstruct a billboard sign in any area of the Town.~~ A building permit, to be renewed annually, must be obtained for each existing billboard sign location and any future billboard sign location. ~~except that up to A maximum of ten (10) sixteen (16) new billboards (three of which are designated for Jolmy Enterprises, Inc., pursuant to that Annexation Agreement between Jolmy Enterprises, Inc., and the Town of Davie dated June 19, 1996)~~ may be erected within the Town of Davie, provided that the Town Council has determined that at least a minimum of five (5) percent of the gross revenues from the advertising on said billboards, which under no circumstances shall be less than eight thousand dollars (\$8,000.00) per year per sign, are directed to nonprofit corporations serving the residents of the Town of Davie, which funds will assist in funding such nonprofit corporation projects serving the interest of the citizens of the Town of Davie, subject to the Town Council certifying that any potential site upon which these billboards may be erected and the proposed billboards meet the following requirements:

~~(a)~~(i) Certification that the Town Council has determined that the site for the billboard and the proposed billboard comply with the requirements of this subsection (9);

- (b)(ii) An executed agreement by a company providing outdoor advertising substantially in the form attached hereto and incorporated herein by reference, together with the requisite evidence that the company has entered into an agreement with a nonprofit corporation to assure that at least a minimum of five (5) percent of the gross revenues from the advertising on said billboards, which under no circumstances shall be less than eight thousand dollars (\$8,000.00) per year per sign, are directed to said nonprofit corporation to assist in funding such nonprofit corporation's projects exclusively serving the residents of the Town of Davie;
- (c)(iii) A lease for the proposed site upon which the billboard is to be erected.
- (d)(iv) A Plan reflecting that the billboard is no more than ~~sixty (60)~~ sixty-five (65) feet above the crown of any adjacent, limited access arterial roadway; provided however, that the sixty-five (65) feet may be extended to ninety (90) feet, if the billboard serves Florida's Turnpike at its ingress and egress with I-595;
- (e)(v) Plans reflecting the billboard placement within the site conforms with the requirements of Chapter 479, Florida Statutes, all other applicable federal, state and county regulations, and municipal regulations, not in conflict with the provisions of this subsection (9).

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

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PASSED ON FIRST READING THIS _____ DAY OF _____, 2003

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

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